



STATE OF OKLAHOMA

WORKERS' COMPENSATION COMMISSION

M I N U T E S

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

July 27, 2017

Special Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION
FOR THE STATE OF OKLAHOMA

The members of the Workers' Compensation Commission for the state of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on July 27, 2017.

Members present: Chairman Gilliland, Commissioner Liotta, and Commissioner Russell.

Others in attendance on behalf of the Commission: Kim Bailey, Lindsey Christopher, Stormy Moore, Jennifer Reeves, Dr. Jay Cannon, John Crittenden, and Scott Chance.

Chairman Gilliland expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum and the Statement of Compliance with the Open Meeting Act was read. The meeting was called to order at approximately 1:30 p.m.

Approval of Minutes

Chairman Gilliland presented the minutes of the June 15, 2017 and July 19, 2017 public meetings for approval.

Motion: Commissioner Liotta moved to approve the minutes of the June 15, 2017 and July 19, 2017 public meetings.

Second: Commissioner Russell.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

**1. Discussion and Consideration from the Public Regarding Proposed
Emergency Rules**

The Commission is proposing changes to the Commission rules addressing certificates of non-coverage. The Commission submitted its Notices of Rulemaking Intent to the Secretary of State, Office of Administrative Rules on June 22, 2017. The Notices of Rulemaking Intent were accepted and published in the Oklahoma Register on July 17, 2017.

The Commission's comment period ran from June 23, 2017 through July 26, 2017. The Commission solicited comments from the public, including comments via email at rules @wcc.ok.gov. The Commission did not have any comments or questions from the public on the proposed emergency rules. Commission Counsel, Lindsey Christopher, gave a report and recommended the Commission move forward as planned on this matter.

No action was taken by the Commission.

2. Discussion and Consideration of Distribution of Surplus Monies to Members of the Oklahoma Operators Self-insurers Fund

Oklahoma Operators Self-Insurers Fund (Association), a group self-insurance association, is requesting a partial distribution of surplus back to its members in the amount of \$500,000 which will be payable from fund years June 30, 2011 (\$275,000), June 30, 2012 (\$150,000), and June 30, 2013 (\$75,000). All claims for these fund years are closed. The Fund's December 31, 2016, financial statement shows an overall surplus for the Fund of \$1,268,902. Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents. Stormy Moore, WCC Insurance Division Director, reported and gave the recommendation to approve the full total of \$500,000 to be distributed to the Oklahoma Operators Self-insurers Fund. The Commission considered approving the distribution of surplus monies to members of the Oklahoma Operators Self-insurers Fund. The Commission's Insurance Director, Stormy Moore, recommend approval of the distribution of surplus monies to members of the Oklahoma Operators Self-Insurers Fund.

Motion: Commissioner Liotta moved approval of the recommendation from Stormy Moore to approve the full total of \$500,000 to be distributed to the Oklahoma Operators Self-insurers Fund.

Second: Chairman Gilliland

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

3. Discussion and Consideration of the Fiscal Year 2018 Shared Services Agreement, Appendix C, between the Commission and the Office of Management and Enterprise Services

The Commission considered approving the renewal of the Shared Services Agreement Appendix C with the Office of Management and Enterprise Services for FY18, encumbering funds in the amount of \$199,723.44. Appendix C of the Agreement includes Information Services. The Agreement signed in FY17 continues until such time as modified or terminated. WCC CFO Jennifer Reeves was recognized and recommended approval.

Motion: Move Approval made by Commissioner Liotta

Second: Commissioner Russell

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

4. Discussion and Consideration of the Statement of Work for a Case Management System Project Manager between Commission and the Office of Management and Enterprise Services

The Commission considered approving the proposed Statement of Work between the Commission and the Office of Management and Enterprise Services for a project manager to oversee the Commission's implementation of its case management system. WCC Executive Director Kim Bailey was recognized to report and recommended approval as proposed.

Motion: Move Approval as Proposed by Chairman Gilliland

Second: Commissioner Liotta

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

5. Discussion and Consideration of Bid for Commission File Folders for FY18

The Commission discussed and considered awarding the bid to Southwest Solutions Group for Commission file folders for FY18. WCC CFO, Jennifer Reeves, was again recognized, reported, and recommended awarding the bid.

Motion: Move approval of awarding bid to Southwest Solutions Group for Commission file folders for FY18 made by Commissioner Liotta.

Second: Commissioner Russell

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

6. Discussion and Consideration of a Policy Regarding Dissents by Commission en Banc

The Commission discussed and considered of a policy requiring a written dissent, which provides clarification of the dissenting Commissioner's reasoning, when he or she votes in opposition to the majority's affirmation of an Administrative Law Judge's order.

Motion: Commissioner Liotta moved to adopt an informal policy stating, for the benefit of all stakeholders, a commissioner dissenting from a majority decision affirming an ALJ's order will produce a written dissent.

Second: Chairman Gilliland

Those voting aye: Commissioner Liotta, Chairman Gilliland.

Those voting no: Commissioner Russell (Although he spoke in favor of the concept in discussion).

The motion carried.

7. Discussion and Consideration of Attestation Officer and Alternate Attestation Officer for Administrative Rules

Rule 655:10-7-16 of the Administrative Rules on Rulemaking provides that agencies shall include an attestation in each rule document submitted to the Office of Administrative Rules for Register publication. The representatives should possess the following qualifications: (A) general knowledge of the agency's functions, responsibilities, and internal procedures; (B) familiarity with the substance and procedures of the APA and ARR; (C) familiarity with the statutes or other legal instruments which govern the agency; and (D) if the representative is not responsible for drafting the agency's rules or notices, accessibility to those in the agency who are responsible for drafting the agency's rules and notices. The Commission considered designating the Commission Counsel as the attestation officer and the Executive Director as the alternate for the Commission. WCC Executive Director Kim Bailey was recognized, reported, and gave a recommendation of approval.

Motion: Chairman Gilliland moved to approve of designating the Commission Counsel as the Attestation Officer and the Executive Director as the alternate for the Commission.

Second: Commissioner Liotta

Those voting aye: Commissioner Liotta, Commissioner Russell, Chairman Gilliland.

The motion carried.

8. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. §23 states any commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance

with this section, the Commission considered a vote to approve the currently outstanding vouchers.

All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and separately voted upon.

Motion: Chairman Gilliland

Second: Commissioner Russell

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

9. Reports

THE FOLLOWING REPORTS ARE PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.

4th Annual Workers' Compensation Educational Conference Update Report.

Commissioner Russell gave a report on the 4th Annual Workers' Compensation Educational Conference being held on Oct. 5th and 6th, 2017.

10. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G, Candidate H, or Candidate I for the position of Tulsa Administrative Law Judge

A. Motion and Vote to:

Go into Executive Session for purposes of:

Discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G, Candidate H, or Candidate I for the position of Tulsa Administrative Law Judge.

Motion: Chairman Gilliland

Second: Commissioner Liotta

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

B. Vote to Reconvene in Open Session

Motion: Chairman Gilliland moved to reconvene in Open Session.

Second: Commissioner Liotta

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

No action was taken as a result of Executive Session.

Announcements

Chairman Gilliland announced the next special meeting of the Commission is scheduled for Thursday, August 17, 2017.

Adjournment

Motion: Chairman Gilliland moved to adjourn.

Second: Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

Chairman Gilliland announced the meeting was adjourned.